



Chhatrapati Shahu Ji Maharaj  
University, Kanpur

**Answer Script Details**  
**Barcode** 7307195

**Roll No.** 23086004394  
**Total Mark** 64/100.00

**Exam** LLB\_ODD-EXAM-DEC-24  
**Subject** LLB304 - PROPERTY LAW

**Question wise Mark Summary**

**Q.No Mark Q.No Mark Q.No Mark Q.No Mark**

1A 2/4 9 NA/15

1B 3/4

1C 2/4

1D 3/4

1E 2/4

1F 3/4

1G 3/4

1H 2/4

1I 3/4

1J 3/4

2 9/15

3 10/15

4 NA/15

5 NA/15

6 10/15

7 NA/15

8 9/15

# Chhatrapati Shahu Ji Maharaj University Kanpur, Uttar Pradesh

Date of Exam: 05/02/25 Shift: 1st Room No: 47  
 Subject: PROPERTY LAW Year/Sem: 3rd  
 Paper Code: LLB304  
 Name of Candidate: ASHRUTI SRIVASTAVA  
 Roll No: 230086004394

Signature of Candidate: *Ashruti*  
 Signature of Investigator: *[Signature]*  
 COE Facsimile: *[Signature]*

## PART-II

MARKS OBTAINED										
Q.	1	2	3	4	5	6	7	8	9	10
(a)										
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Total										
Total Marks in Figures										Max. Marks
Total Marks in Words										



LLB304  
Paper Code

Signature of Evaluator

Course: BACHELOR OF LAWS  
 Session: 2024-25 Year/Semester: 3rd  
 Subject Name: PROPERTY LAW  
 Medium: English  Hindi   
 Paper Code: LLB304  
 Exam Date: 05/02/2025  
 Name of Candidate: ASHRUTI SRIVASTAVA  
 Father's Name: SURENDRA SRIVASTAVA

कक्षा कोड / College Code: **KNOS**      कक्षा कोड / Exam Centre Code: **KNOS**

A	A	●	0	0	A	A	●	0	0
E	B	1	1	1	E	B	1	1	1
F	D	2	2	2	F	D	2	2	2
H	J	3	3	3	H	J	3	3	3
●	K	4	4	4	●	K	4	4	4
L	L	5	●	5	L	L	5	●	5
R	M	6	6	6	R	M	6	6	6
S	●	7	7	7	S	●	7	7	7
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W					W				

उत्तर लिखें / Type of Exam

Regular Ex-Student  
 Private Ex-Student  
 Back Paper Exam

ANSWER BOOKLET NO.

7307195

LLB304  
Paper Code



Enrollment Number: C S J M A 2 0 0 0 0 0 3 8 7 8 9  
 Candidate's Roll Number: 230086004394      Paper Code: LLB304



2	3	0	8	6	0	0	4	3	9	4
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L	L	B	3	0	4		
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C	2	2	2	2	2	2	R
E	3	3	●	3	3	3	T
F	4	4	4	4	●	4	
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9	9	9	9	9	9	9	

Signature of Candidate: *Ashruti*

Signature of Investigator: *[Signature]*  
कानपुर / Kanpur

CS Facsimile

COE Facsimile: *[Signature]*

नोट: 1. परीक्षार्थी को निर्दिष्ट विना जात है कि आचार्य कलेज को पूरा ध्यान पर अधिक कठोर निर्देशों को सफलतापूर्वक पढ़ें।  
 2. जांच में धीरे धीरे कठोर निर्देशों का भी ध्यान से ध्यान को जारी। 3. मोबाइल को बंद रखें या कोलेज कैंपस में ध्यान को जारी।

### INSTRUCTION TO THE CANDIDATE FOR FILLING PART-I

1. Read the instructions carefully given on the answer script and admit card.
2. Write Date of Exam, Shift, Paper Code & Name of Subject Correctly.
3. Write Name & Roll No. Correctly.
4. Write Semester & Branch Correctly.

### INSTRUCTION TO THE CANDIDATE FOR FILLING PART-III

1. Use blue or black ball point pen for writing alphabets & numerals in  boxes.
2. Carefully study the example before you start marking.
3. As shown in the example below, blacken the circles completely.



4. Make no Stray marks on this sheet.

### 5. DO NOT WRITE OR MARK ON THE BAR CODE.

### IN ORDER TO AVOID UFM ( UNFAIR MEANS ) :

1. The Roll No. and Answer Book no. found elsewhere or any other symbol found in the answer book will be treated as unfair means.
2. Any tampering of Bar Code and Booklet no shall be treated as Unfair Means.
3. Do Not bring the materials like slip of paper/mobile/digital diaries/ study material/ revision notes in examination hall. Possession of the mobiles/ digital diaries/electronic/digital/ watch and any other electronic gadget except memory less scientific calculator shall be considered as UFM case.
4. Do not keep or paste currency note in answer script it shall be consider as UFM.

### अनुचित साधन से बचने हेतु :

1. उत्तर पुस्तिका के निर्दिष्ट स्थान को छोड़कर अनुक्रमांक एवं उत्तरपुस्तिका का क्रमांक नहीं और न लिखे तथा कोई भी चिह्न न बनाये क्योंकि यह अनुचित साधन प्रयोग की शक्ति में आता है।
2. उत्तर पुस्तिका के बायकोड अथवा उत्तर पुस्तिका संख्या पर स्टेड चिह्न करने पर अनुचित साधन प्रयोग माना जायेगा।
3. परीक्षा कक्ष में निम्न वस्तुएं साथ न लाये, जैसे लिखे हुए कागज के टुकड़े, मोबाइल, डिजिटल घड़ी, डिजिटल वॉच, कैलेंडर, पुस्तक या सभी वस्तुएं जो अनुचित साधन के अन्तर्गत आती हैं। कोमल संशोधित प्रश्नपत्र में ही कैलेंडर लेम साइटिफिक कोम्यूटेटर ले जाने की अनुमति है।
4. उत्तर पुस्तिकाओं में सफाई न करें न ही उत्तर पुस्तिका में चिह्न करें। ऐसा करना अनुचित साधन प्रयोग की शक्ति में आता है।

### उत्तरपुस्तिकाओं को भरण लिखें

1. प्रवेश पत्र एवं उत्तर पुस्तिका पर दिये गये निर्देशों को ध्यान से पढ़ें।
2. उत्तर पत्र के दूसरी तरफ कुछन लिखें।
3. उत्तर पुस्तिका के पृष्ठों पर दोनों तरफ लिखें।
4. प्रश्न पत्र पर अपने अनुक्रमांक के अधिकांक कुछन लिखें।
5. प्रश्न पत्र कोड एवं प्रश्न पत्र ID सावधानी पूर्वक लिखें।
6. अपनी तिथि स्पष्ट लिखें।
7. उत्तर पुस्तिका के पृष्ठों की संख्या देखें। अगर उत्तर पुस्तिका में पृष्ठ ( 1-24 ) से कम है या बड़े हुए है, तो न शुरू होने के पूर्व दूसरी उत्तर पुस्तिका ले लें।
8. प्रश्नपत्र को देख, यदि प्रश्नपत्र में विषय कोड, विषय का नाम तथा प्रश्न में कोई त्रुटि है तो उसके परीक्षा होने के 30 मिनट से अगल तक निरीक्षक को तत्काल सूचित करें, उसके बाद विषयविद्यार्थी द्वारा कोई नोंदी की जायेगी।
9. प्रश्नों के उत्तर लिखने के लिये पेंसिल का प्रयोग न करें।
10. बी बरेपी या अधिकांक चक्र नहीं दिया जायेगा।

### INSTRUCTION TO THE CANDIDATE

1. Read the instructions carefully given on the Question Paper, Admit Card & Answer Script.
2. Do not write anything on back side of the cover page.
3. Write on both sides of pages of answer book.
4. Do not write anything on question paper except Roll Number.
5. Write Paper Code & Question Paper Id carefully.
6. CHECK the number of pages ( 1-24 ) or any other kind of damage in your answer script, if found than change the answer script immediately before the commencement of examination.
7. CHECK the Question Paper for any kind of discrepancy e.g. Subject Code, S. Name, and Question of the Question Paper during first THIRTY MINUTES of the commencement of the exam, so that it can be corrected in TIME. After that no corrections shall be entertained by the university.
8. Do not use pencil for answering the question.
9. Write status correctly e.g. those appearing in carry over papers should fill in status as Carry Over. Those appearing as Ex- Students should fill in status as ex.
10. No supplementary answer book & graph paper will be provided.

### INSTRUCTION TO THE CANDIDATE FOR FILLING PART-IV

1. Use blue or black ball point pen for writing alphabets & numerals in  Boxes.
2. Use blue or black ball point pen for filling the circles.

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7	7	7	7	7	7	7	7	7	7	7
8	8	●	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9	●

Note- If your Roll No. is of 10 digits. Please leave first three columns .



## Section-A

### Answer no-1(a)

Under Transfer of Property Act, 1882 sec-5 defined the 'Transferor and Transferee'.  
As per Sec 5 of Transfer of Property Act, "a person who conveys the property to one or more living person or himself or himself or more person is said to be Transfer of Property."

Transferor - The person who transfer the property to another is known as the Transferor.

Q Who is competent to become transferor? (Sec 7)

→ A person of sound mind.

→ A person who is major; completed the age of 18 years.

Transferee - A person whom the property is conveyed or the person who take the interest in the property known as the Transferee. As per Sec 6(h)(3) - the transferee must be of sound mind.



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## Answer - 1 (b)

Doctrine of Lis Pendens is enshrined in the Sec 52 of the Transfer of Property Act. According to Sec 52 of Transfer of Property Act, 'the transfer of property can not take place when the suit is filed in the court regarding the right of ownership of property.'

The legal maxim 'Pendente Lite Nihil Innovetur', it means Nothing can be changed during pendency. 'is means 'Litigation' and Pendente means 'Pending'. This section of TPA restricts the transference of property during pending proceeding in the court of law.

### Essentials :-

- 1) There must be pending litigation of property in the court of law.
- 2) The pending proceeding related to the ownership of the right.
- 3) No transference will take place until the final decree will pass from the court of law.



## Answer - 1 (c)

According to sec 5 of Transfer of Property act, a person who conveys the property to one or more living person or himself or himself or more person is a Transfer of property.

### Elements of valid Transfer -

- 1) Living person - The transfer of property must be take place between the two living person. the transfer can happen with the natural person as well as juristic person.
  - 2) Convey - The property must be convey from transferor to transferee either expressly or impliedly. ✓
  - 3) Present or future property - Transfer of property can take place of present or future property as well.
  - 4) One or More person - Transfer can be done to individual or a group of person or associates.
- © Transfer can be can between Transferor or Transferee Both can be competent to contract as per ~~sec 10~~ Sec-10 of Indian Contract Act. Transfer can be done without unlawful consideration as per sec-23 of Indian Contract Act.



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## Answer - 1 (d)

Vested Interest enshrined in Sec-19 of Transfer of Property Act. According to Sec-19, a person can transfer the interest of the property and vest it to another person by the condition which is unspecified certain event and the event is not the under control of the transferee.

For Ex - A sell his property to B and it further transfer to C when the B marry. It is a vested interest.

Contingent Interest is mention in Sec-21 of Transfer of Property Act. It says when the transfer of property depends on the happening of unspecified uncertain event or specific unspecified certain event. When the event which is unspecified certain will happen, it becomes Vested Interest.

For Ex - A sell his property to B and further it transfer to C if the baby girl is born to B. It is a contingent interest.

⊙ Contingent interest can become Vested Interest but vice-versa is not possible.



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## Answer - 1 (e)

A transfer of property in the Transfer of Property Act can be done either expressly or impliedly. When the transfer can be done expressly by words it is known to be the oral transfer of property.

In the Transfer of Property Act, Property can be transfer by convey of present or future property from one person to another person. If the value of the property is more than ₹100, then it must be registered the property and attested by 2 witness.

But if the property is less than ₹100, then it can be transferred by delivery of possession. The delivery of possession can be done by transferor to transferee.

In oral transfer of property, there is no need to make an written instrument of a property whose value is less than 100 rupee.




## Answer - 1 (f)

Rule against perpetuity is enshrined in Sec-14 of Transfer of Property Act.

According to Sec-14 of Transfer of Property Act, the future transfer of property will not take place in such a way that the interest of the power property lower down. It means the transfer of property can be done :-

- ⊙ to a living person until he alive
- ⊙ to the person when it becomes 18 years (major).

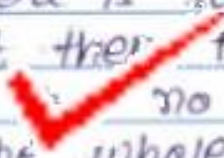
This rule is necessary to prevent the property from  the value.

It is necessary that the property should move from different owners to different owner. This might restrict the property to transfer the person who is may be born after 20 years or transfer to the other person who is may be born more than previous mention year. If the transfer can take place without follow these condition, the transfer of property will become void.



## Answer - 1 (g)

Doctrine of election is mention in Sec-35 of Transfer of Property Act. According to Sec-35, a person who transfer the property of another person and create a benefit to the person who is the owner of that property, then the owner has a choice to transfer the property or to take the benefit which is created for him by the transferor.

Election means — to elect. Doctrine of election gives the choice to take benefit or to transfer a property. This also says No person can blow hot or cold in the same transfer. It means the person cannot choose the both and if there is something good and bad in the benefit then the owner has to choose the both. He  no right to choose the only benefit in the whole benefits.

### Essentials —

- 1) Property is transferred by the unauthorised person.
- 2) Benefit is created by transferor to the real owner.
- 3) If the person do not want to take benefit he must communicate to the transferor about it.



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## Answer - 1 (h)

Actionable claims are defined in Sec-3 of Transfer of Property Act. As per Sec-3 of Transfer of Property Act, a debt which is arises from the property which is not the mortgage and these dues are known as Actionable claims.

Actionable claims are the debt which creates dues in the property and can be taken by the person who has the right to take it.

for ex - A person ~~sells~~ purchase his bike and make it insurance, then the right created to take the amount of insurance known as Actionable claims.

- ① Insurance, Dues, Debts are fall in the categories of Actionable Claims.
- ② Mortgage money, ~~loan~~, interest, Premium, Encumbrances and Public charges are not Actionable Claims.



## Answer - 1 (i)

~~Intangible~~ Intangible or Tangible property are not defined in Transfer of Property Act specifically. Sec-3 defined Immovable Property. It says, the property other than standing timber, growing crops and Grass are Immovable Property.

It is the negative definition of Immovable property. Further Movable and Immovable property are classified in tangible and intangible property.

Tangible Property - The property which can be touched and the property which is present so that it can be easily touch are called Tangible Property.  
for ex - Car, Anything which is embedded in earth can be touched etc.

Intangible Property - The property which cannot be touch and which is not able to carry are known as Intangible Property.  
for ex - Assets, Copyright claims etc.



## Answer-1 (j)

Easement is defined in sec-4 of Indian Easement Act. According to sec-4, Easement is a right of a person created to the property of another person. It is only the enjoyment right of a person not a possession or ownership right.

### Essentials ∴

- 1) Easement is a right created by one person to another person's property.
- 2) This right is the right of enjoyment not the right of possession.
- 3) Easement right cannot be transferred with the property.

⊙ The person who given the right of easement in his property called Dormant and property are known as Dormant Heritage.

⊙ The person who easement right is created called Servient Owner.



## Section-B

### Answer no-(2)

Doctrine of Past-performance is enshrined in the Sec-53 A of Transfer of Property Act. According to Sec-53 A when a person transfer the property to another person and other person agrees to take the property and making a contract and agrees to pay, then it is assume that the he performed his part of duties.

It will not affect the right of interest of the transferee who already completed and fulfil the duty of his part. Sec-53 explain that if the transferor refuse to transfer the property then the transferee has a right of Past-performance because he already done the duties which is necessary for the transference.

If the transferee agree to pay and the payment becomes due or the contract is made between transferor and transferee then the transferor is bound to transfer or the property to transferee.



### Essentials -

- (i) There must be a transfer of property between the competent transferor and transferee.
- (ii) The transferee did the duties of his part.
- (iii) There is no right to sue the transferor by the transferee.
- (iv) The transferee must act in good faith.
- (v) There is not a fraudulent transfer of property.
- (vi) Transfer must be done in bonafide reason.

### # Doctrine of Past Performance is a shield not a sword.

The Doctrine of Past Performance is not use to sue the transferor in case he refuse to transfer the property. But it creates the right of transferee to protect his right on taking property and use it as evidence to show.

It is not the sword which means it is not use for negative sense but it is used as a shield for the protection of the transferee right in the property.

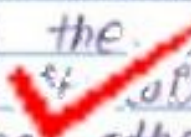


## # Justice and Equity related to Past Performance.

The basis of the Doctrine of Past Performance is just and equity. This doctrine helps the transferee to get justice and protect his right of interest in the property which is almost created. This principle also restrict the wastage of time of transferor and transferee if they do not want to transfer the property.

This helps to transfer the property easily and timely and no issue is created further related to the transfer of property.

## # Public Policy and Past Performance.

This doctrine also reveal the principle of public policy. If the transferor refuses so many times then  will cause uneasy for the transferee and others too. So this creates a responsibility to the owner of the property or the one who wants to transfer the property to act timely and in good faith.

## Exceptions related to this Doctrine

- 1) If the fraudulent transfer will take place almost then the transferor know about it then he will refuse to contract and transfer of property.



2) If the transferee act fraudently and in malafide reason then it becomes an exception.

Thus, these are the provision related to the Past Performance under Sec 53A of Transfer of Property Act, 1882.

### Answer no-(3)

Transfer of property related to the benefit of unborn person is enshrined in the Sec-13 of Transfer of Property Act, 1882. According to the Sec-13 of Transfer of Property Act, 1882, - a person transfer his property to unborn person then  must transfer the property to another person in behalf of unborn person which causing the benefit for unborn person.

Sec-13 explains the transfer has to be done for the benefit of unborn person and the transfer cannot done directly to the unborn person. The transfer must create a life interest to another person until the person is born. The possession of the property given to unborn was not



possible. So if the person born and becomes major, he will get the possession in that property.

### Essentials :-

- 1) There must be transfer of property.
- 2) The transfer can be done without unlawful consideration.
- 3) Transferor must be competent to transfer the property.
- 4) Transferor must be major and of sound mind.
- 5) Transfer must be done for the benefit of the unborn person.
- 6) Transfer of property creates a prior interest in the property.
- 7) The right of possession and further transfer will be get after the unborn person becomes major (completed the age of 18 years).
- 8) There must be voluntary transfer of property.

for Ex - A transfer his property to B and further this property will transfer to C (B's child). This property will not directly transfer to B's child (C). Because there must be prior interest is created in the transfer of property.



### # Transfer will not take place directly to Unborn Person

The transfer of property cannot transfer directly to the unborn person. because Sec-5 of Transfer of Property Act, 1882 says that the transfer must take place to the living person only. Unborn person is not considered to a living person so the transfer will take place to another living person in behalf of an unborn person. This transfer of interest in property is known as Prior Interest. The prior interest is created and if the person born then the rights transfer of the new born person. But the right to further transference of property will get to him when he attains the age of 18 years and become a major.

### # Rule against Perpetuity and Benefit of Unborn Person

Sec.14 of Transfer of Property Act, 1882 talks about the Rule against perpetuity. It clearly explain that the transfer of property cannot take place off to the person when it becomes major or



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attaining the age of 18 years. It restricts the future transference of property which takes a long time and it ensure that the property is perpetual and it cannot be in a hand only. So this section also implies to transfer the property directly to the unborn person when it becomes major.

In the judgement of Supreme Court, the Supreme Court held that the property must be transfer to the living person and it cannot transfer to the non-living person. Thus, the transfer must be create for the benefit of unborn by creating a prior interest. Unborn person who is even in the mother's womb are not considered to be living. Thus, it is mandatory to create the prior interest.



## Section-C

### Answer no-(6)

Mortgagor are defined in Sec 58 in Transfer of property act, 1882. According to Sec-58(a), a transfer of property which is transfer to another person by taking payments or loans or to pay debts.

- ⊙ The person who transfer the interest of property are Mortgagor
- ⊙ The person who take the interest in the property are Mortgagee,
- ⊙ The principal money and interest are called Mortgage money.
- ⊙ The instrument which mortgage happen are known as Mortgage Deed.

### Essentials of Mortgage -

- 1) There must be a transfer of interest in the property.
- 2) It may be a payment of debt.
- 3) It may be a taking loans.
- 4) It may be a payment of money.
- 5) The mortgagor and mortgagee must be



competent to contract.

- 6) There must be voluntary contract of mortgage between the mortgagee and mortgagor.
- 7) The right of interest in the property is created for mortgagee.
- 8) There must be an immovable property. If the property are moveable then it will called Pledge. It is necessary that the property must be immovable.

### Various kinds of Mortgages —

Sec-58 of Transfer of Property act, 1882 mentions the different kind of mortgages. These are —

1) Simple Mortgage — When the mortgagor transfers mortgagor's property but the right of possession are in the hands of mortgagor himself are known as simple mortgage. In this mortgage, the mortgagor is personal liable for mortgage money. It is mention in Sec 58 (b) of TPA.

2) Mortgage by Conditional Sale — This kind of mortgage is mentioned in Sec 58 (c) of the Transfer of Property Act. In this mortgage, the right of possession will give to mortgagee and



with the certain condition. If the condition fulfill, then the mortgagor has the right to ~~redem~~ his property otherwise it will keep in the hands of Mortgagee.

3) Usufructory Mortgage - This kind of Mortgage mention in the Sec-58 (d) of the Transfer of Property Act, 1882. In this mortgage, the right of possession in the property is transfer to the Mortgagee and it has right to take mortgage money from the property itself in form of rents or other.

4) English Mortgage - English Mortgage mention in the Sec-58 (e) of the Transfer of Property Act, 1882. In this Mortgage, the right of ownership is absolutely transfer to the Mortgagee. If the Mortgagor pay his mortgage money then the property will revert back to him. ~~and~~ otherwise the property stay with the Mortgagee and will not revert back to the Mortgagor. In this Mortgage, the transfer is absolute to the Mortgagee by the Mortgagor.



(5) Mortgage By Title Deeds— In this kind of Mortgage, a property is not transfer and the mortgagor submit the deeds of title of property to the Mortgagee. It is usually seen in Bombay, Calcutta and Madras. After the redemption of property, the mortgagor take the title deed back to him. This kind of Mortgage is mentioned in Sec 58 (f) of Transfer of Property Act, 1882.

(6) Anomalous Mortgage— This kind of mortgage is mention in Sec 58 (g) of Transfer of property Act. If the mortgage are not the Simple, Mortgage, Mortgage by Conditional Sale, <sup>usufructory</sup> Mortgage, English mortgage and mortgage by title deeds, then it will called Anomalous Mortgage.



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## Answer no-(8)

Lease is defined in the Section of Transfer of Property Act, 1882. According to the section, "Lease is a transfer of immovable property from one person to another person for specific period of time."

As per the section, the lease is created for a specific period of a time and when the time period completes, it has to be renewed.

The person who make lease called lessor and the lease is made for whom, called lessee.

### Essential -

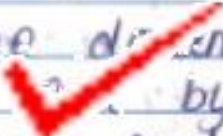
- 1) There must  an immovable property.
- 2) The transfer of immovable property for specific period of time.
- 3) It should be done b/w competent party.
- 4) The lessor and lessee must be of sound mind and major.
- 5) It should not against the law.



Rights of Lessor - The person who make lease is known as Lessor. the rights of Lessor are -

- ⊙ to take all documents from the Lessee.
- ⊙ to take anything which creates accession in the property.
- ⊙ It is right of Lessor to know the property which increase the value of Pt.
- ⊙ to pay the debts and charges related to his property.

Liabilities of Lessor.

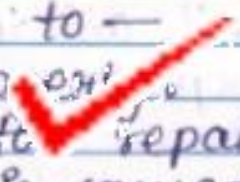
- ⊙ to answer all the question of the Lessee.
- ⊙ to tell all the material defect of the property.
- ⊙ to show all the documents of the property which is  by the Lessee.
- ⊙ to pay the amount and prior encumbrances related to the property.
- ⊙ not to hide any thing related to the property.
- ⊙ to pay the amount of damages which is caused to the property.



Rights of Lessee - The person for whom the lease is made are known to be the lessee. These are the rights of Lessee are as follows -

- ⊙ to ask all the question related to property.
- ⊙ to take all the documents related to property.
- ⊙ Right to take the advantages of accession when accession take place during lease.
- ⊙ Right to take back anything which he puts in the land of property like Machine.

Liabilities of Lessee - The Lessee is liable to -

- ⊙ take care of the property.
- ⊙ to pay the amount for  repairment of the property if it is caused by him.
- ⊙ he is liable to ~~take~~ protect the property from detriotion and loss.